

6/7/88 331  
Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday June 7, 1988 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor (arrived late)  
Monique Gablenz, Deputy Supervisor  
John Lombardi, Councilman  
Louis Boschetti, Councilman  
Robert Pike, Councilman  
Denise Civiletti, Councilwoman

**Also Present:** Patricia Moore, Town Attorney  
Nadia Moore, Deputy Town Clerk

Deputy Supervisor Gablenz called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

**RESOLVED**, that the Minutes of Scoping Hearings held on May 10 and May 24, 1988, Regular Board Meeting held on May 17 and Special Board meeting held on May 26, 1988 are hereby dispensed with upon approval.

May 10 and May 24, 1988 Scoping Hearings

The vote, Boschetti, yes, Pike, yes, Civiletti, abstain, Lombardi, abstain, Janoski, yes.

The resolution was thereupon duly declared adopted.

Regular Board of May 17 and Special Board of May 26, 1988

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Deputy Supervisor Gablenz, "Supervisor Janoski shall be arriving late and therefore, as Deputy, I will preside over this meeting until his arrival. Several department heads are present this evening should anyone have a question of them. Ms. Moore would you please read the reports."

#### REPORTS

S.C. Dept. of Planning, 5/24/88-if no objections heard by 6/13/88 re: Southold Local Law #14 and #15-1988, it will be assumed there are none.

Planning Board, 5/25/88-Resolutions approving the minor subdivisions of Kostakis, Krukoski, & Cullen; a recommendation that the performance bond of Sica be released and a maintenance bond be posted; a resolution that Kimbrooke Enterprises assign a deed or grant to the Town and Water District.

File

File

07/17/88  
REPORTS, Continued

Police Department-Report for Month of April, 1988.

File

Tax Receiver-Collections as of 5/19/88 and 6/6/88  
(\$27,111,321.25).

File

Building Department-Report for month of May, 1988.

File

Deputy Supervisor Gablenz, "Thank you. And the applications  
please."

APPLICATIONS

Carnival-Jamesport fire Department for July 19 to 24, 1988.

File

Exhibition-Beach Town, U.S.A. (Closed Circuit Heavyweight  
Championship, Riverhead Raceway).

File

Fireworks-Riverhead Raceway for 7/2/88.

File

Special Permit-Henry Lee, additional units.

File

Site Plan-Suffolk Lighting Supply to replace roof and wall.

File

Special Permit-North Fork Nursery-seasonal worker housing,  
Herricks Lane.

File

Site Plan-Riverhead Tool Corp to erect building for warehouse  
at 1407 Pulaski Street.

File

Deputy Supervisor Gablenz, "And the Correspondence."

CORRESPONDENCE

Sherry Johnson, 5/31/88-Expressing concern of the impact of  
the East End Commons application on Saw Mill River and list-  
ing five items to be addressed in the DEIS.

File

I. William Bianchi, 5/26/88-Thanking Board for support for  
Golden Namatode research and advising allocation of \$76,000.

File

Vincent Tenety, 5/23/88-Attorney for Lipsky Enterprises, Inc.  
low bidder for Eastlawn advising that client believes Town  
has accepted bid and listing reasons why.

File

Edith Patton, 5/16/88-Submitting resignation and that at 91  
years of age, the time has come to retire.

File

Paul Baker, 5/5/88-Advising that Broad Cove project has vio-  
lated DEC regulation and advising that a new environmental  
study should be required.

File

CORRESPONDENCE, Continued

Zendalyn Evans, 6/6/88-Submitting letter of resignation as Home Health Aide.

File

Southold Town, 6/3/88-Notice of Adoption of Local Law #16 of 1988 "Zoning".

File

Allen Smith, 6/6/88-Submitting Archeological Evaluation of the Prehistoric Cultural Resources at Bridgewater Estates on behalf of Augusta Schneider.

File

Edwin Kettrick, 5/26/88-submitting letter of retirement from the Riverhead Highway Department.

File

Deputy Supervisor Gablenz, "Thank you. Listed on the agenda, you'll find those matters of Unfinished Business which are going through the process of review. The information in parenthesis indicates where that matter is in the process and who it is before. The hour of the first public hearing has not yet arrived. Therefore, I would open the meeting to anyone wishing to address the Board. Mr. Goldman."

Rob Goldman, "I'm representing the North Fork Environmental Council and I'm batting for Betty Brown who is usually here tonight to speak for us. She has another engagement. In last week's News review, we promised the Town Board that we would be making some recommendations on the current sewage treatment plant crisis. Something that I'm sure the Town Board is well aware of. And I would just like to read these to you tonight. I got here a little late. I will make copies for each one of the Board members. These are recommendations to the Riverhead Town Board concerning the sewage treatment planning process and they are submitted by the North Fork Environmental Council on June 7, 1988. Riverhead now faces a crisis in regards to the safe treatment and disposal of sewage. The sewage treatment plant on Riverside Drive is operating near capacity at 1.1 million gallons a day. The plant was designed to handle 1.2 million gallons per day. This fact has been pointed out to the Town Board repeatedly by the NFEC and by H2M, most recently in their report "Engineering Report for the Peconic River Drainage Basin" submitted May 2, 1988. It is well known that sewage treatment plants operating at capacity can not adequately treat sewage during periods of heavy rain. Additionally, the scavenger waste treatment plant which feeds into the main plant, has not been functioning correctly since its installation by H2M in the Fall of 1987. North Fork Environmental Council notes that the Town Board continues to process and approve applications for major residential building projects within the Riverhead Sewer District and to accept applications on projects outside the Sewer District which would increase its size and carrying capacity. We also comment on the fact that H2M acts as planner, contractor and evaluator for its own facilities in Riverhead and has proposed in the above cited report, that the solution to the pollution and Flanders and Peconic Bays is to move the sewage outfall pipe to Long Island Sound. North Fork Environmental therefore, makes the following recommendations to the Town Board regarding our

## PERSONAL APPEARANCES, Continued

sewage crisis: No Sewer Hook-ups, until a thorough and professional plan for up-grading the quality of sewage treatment is in place, the Town Board should accept no more applications for major residential projects within the Sewer District or those petitioning to join the district. The Board should not accept Environmental Impact Statements for project undergoing SEQRA review. Currently, final environmental impact statements have been accepted by the Board for the Bridgewater Estates, Broad Cove and tonight, I believe the Benjamin Project. The Cross River and Mill Pond Commons Project are in the draft EIS stage. These five projects will add 488,895 gallons per day to the sewage treatment plant putting over its capacity by 388,000 gallons per day. Bridgewater Estates Office Complex and Peconic Park Convention Center while not residential, will similarly generate large amounts of sewage. We estimate 100,000 gallons per day. A prudent and legal control measure the Board should implement to give the Town time to develop and approve long range sewage planning and construction improvement is a ban on sewer hook-ups for major projects. The North Fork Environmental Council notes that H2M's report recommends as a non-point pollution control strategy that "Natural Features, such as wetlands and sensitive ecosystems, should be protected from development". We must point out that all the above mentioned projects except the Benjamin Condos, are on the Sawmill wetlands. The North Fork Environmental Council recommends that the following elements be included in a comprehensive sewage management plan. One; tertiary. That's denitrification capability for the Riverhead Sewage Plant. That's critical. Two; 25% to 50% land application/groundwater recharge effluent disposal systems. That's placing the effluent back on open areas such as golf courses and sod farms. The outfall pipe is to remain where it is or it should remain where it is. Three; stormwater road run-off sludge capacity and special treatment for road run-off petroleum products entering the sewer system. Four; sludge disposal plan which does not rely on landfilling. Water Conservation Plan. The NFEC recommends that a comprehensive water conservation plan be developed and implemented by the Town. Plan elements should include; one: progressive water rate system based on usage and factored for income level. Two; plumbing retrofitting program for residential water users funded by Community Development Block Grant. Three; mandatory 1.6 gallon toilets and water saving fixtures on all new construction and rehab. Four; comprehensive community education program on water conservation again funded by Community Development Block Grant and water rates. And finally, an outside evaluation of the sewage treatment systems. H2M should not be allowed to monitor and evaluate either the sewage treatment or scavenger waste plants. This work should be performed by public agency such as the Suffolk County Department of Health Services or SUNY at Stony Brook. North Fork Environmental welcomes the Board's decision to engage Mr. Martin of Cornell University to evaluate both plants. Thank you very much."

**Councilman Pike,** "We would appreciate getting copies of that. I can't respond to it directly. I did just want to make people generally aware of what we have decided to do in the interim. First of all, the Town has decided not to move forward on the H2M recommendation not to simply move the secondarily treated waste from the Bay to the Sound. I think the logic is carried today that we are

unwilling to do that to the Sound that we are alledgedly doing to the Bay. That will not be an option that we're pursuing at this time. Secondly, Mr. Martin who we referred to at the Water Resources Institute at Cornell, has been a good resource for us to look at some of the alternatives for outfall as has been Bob Fastian of the United States Environmental Protection Agency. I spoke to Mr. Martin for a half hour today to discuss how we could best proceed. There are a number of questions he has and a wide ranging number of alternatives for the actual operation on site and what you do with the outfall of the sewer plant. I believe that provided the more specific proposal that he makes to us, is acceptable that he will be retained. Thirdly, we will, as we go to the next round of structural and bio-structural improvements to the way we handle our liquid waste treatment (if you will) be going into competitive analysis of consulting engineers so that no one engineer will have a lock on the sewer plant. That we will be inviting a number of different operations of environmental engineers (if you will) to take a look at the general recommendations and try to reduce them to more practical applications. As a practical matter, the Department of Health Services will not approve a project so that it could fess, so that it could go into the ground, until the sewage treatment operation is clear and it is quite foggy at the moment with the existing situation with our sewer disposal. We are running near capacity. That is true. I would welcome those comments into the record and I can assure you that they will be looked at along with all of the other suggestions we're getting quite seriously. Just as a parathetical note, I had a clipping sent to me today that talked of a sewer treatment operation that was being used to grow flowers and that the sewer plant was netting a \$400,000 a year profit. That's something we're definitely going to look at among all the other alternatives. Generally speaking, we're looking at the entire situation very seriously. And so that people understand that this is very much a limit on growth in Riverhead. We argue constantly about how much growth we can sustain on this island and of the advantages of concentrating in one place because you end up with sewage treatment rather than just pumping it straight into septic or cesspool systems. But clearly, we can do a lot better than we seem to have been headed in the past and we are moving forward in that direction."

Deputy Supervisor Gablenz, "Let the record show that the hour of 7:45 has arrived. Will the Deputy Town Clerk please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, June 7, 1988 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: Amendment to Chapter 64 re: Pet Stores.

Deputy Supervisor Gablenz, "Pat, do you want to give a brief explanation of this one."

PUBLIC HEARING Continued

Patricia Moore, Town Attorney, "As the name implies, this is legislation that is intended to regulate pet stores to require sprinkler systems or some kind of fire protection where caged animals can be protected."

Deputy Supervisor Gablenz, "Thank you. Is there anyone present who wishes to address the Board on this matter? Mr. Kasperovich."

William Kasperovich, Wading River, "Are pets the human females? I can't understand the concern of sprinkler to life for animals when we have no such thing for people. It's ludicrous but then I shouldn't be surprised by what comes up from this Town Board. The definition of what is meant by sprinklers, there are a half of dozen different types of devices and gadgets that are referred to as sprinkler systems. Now is this spelled out or will this be spelled out and will some of these devices which emit gases going into a vapor, be harmful to the animals. This, I think, if we're going to be concerned with pets and there burning to death, we should be concerned with their well being as well. And the word sprinkler system alone is far from adequate because of the many many sprinkler systems on the market and qualify as sprinkler systems. Thank you."

Deputy Supervisor Gablenz, "Thank you. Is there anyone else present who wishes to address the Board? That being the case and without objection, I declare this hearing closed."

7:45 PUBLIC HEARING CLOSED AT 7:49

Deputy Supervisor Gablenz, "The hour has not yet arrived for the second public hearing. Is there anyone else who wishes to address the Board on any matter? Mr. Kasperovich."

William Kasperovich, "Once more. Maybe we can get this many interested people out here every Board meeting night so that we can improve the quality of life in our township. With regard to the resolutions that will be voted upon this evening. The first I wish to speak on is #366 titled; Approves Temporary Special Permit of Greg Gentile. I feel that that this resolution is not in the best interest of the town for many reasons and I won't cover all of them but I'll cover what I think is more pertinent. This to me, is not a special permit but is an exclusive privilege for these reasons: sound can not be contained within boundaries, sound can only dissipate by distance and sound itself is not mentioned in the resolution whatsoever which puts this thing totally out of order. Secondly, radio waves can not be confined within property boundaries or property limits. Now, if you people pass this resolution, this will deny any other citizen in this township of using a radio controlled device within maybe a mile or half mile or more radius of Mr. Gentile's property. Now, if you give him the exclusive rights of using certain radio waves or specific controls and deny this to the rest of the township, this is an exclusive privilege. So you have said nothing about controlling the noise or the sound, I'd rather use sound, or the limit or exclusive uses of radio waves because it involves the rest of the township. Since in the reso-

PERSONAL APPEARANCES ContinuedWilliam Kasperovich, Continued

lution.... Well, I can't find the exact but I'm sure you people know where it is. That this resolution is for the township or for the town, then you are setting precedence and you are confirming the specific privileges given to Mr. Gentile. And I say, the special permit arrangements by the Town Board for a particular situation, is for just that specific purpose and reason. And when it extends beyond the confines of the individual applicant, then it has to be written for the entire township and you're not doing either one of those. You talk about here of getting a Type II Action from the Environmental Quality Review Board without significant impact on the environment and yet they don't touch on sound. Now, we don't live without sound. Of course Mr. Janoski would wish that there be no sound coming from here to there. This I know. It says here; the health, safety, welfare and comfort convenience and order of the town will not be adversely effected by the authorized use. Well, how wrong can you be? That the Board of Appeals two evenings, a public hearing here to show there are many adverse effects that this can create or will create. You refer to enforcement by Riverhead Town Police and or Ordinance Inspector. Well, who is going to be there on Sunday. You didn't exclude Sunday from the time schedule. I know there is a little area called Holbrook out by Centereach there where people want a certain quality of life that the ordinance says you can't hang out your laundry on Sunday. But in Riverhead, Sunday doesn't mean a d--- thing. Now, I think the peace and quiet that people are entitled to on Sundays are a concern to the way of life here in Riverhead. But you're giving him a seven day a week freedom and I say no way. We still have working days and we still have rest days and you're entitled to have rest in your rest day. Now, you talk about enforcement that the Town Board can act alone on the Town Board. I haven't seen you people have done sufficient research into model airplane flying and clubs and problems generated. What are you going to do after the fact? Now if you have an ordinance inspector that works 24 hours a day and can be at a particular place with a particular measuring device for sound or knowledge of the boundaries of property and where lies the limits of this resolution, this might be practical but you don't say any such thing in this resolution. So that you don't make enforcement a practical matter. Now, I would recommend that this resolution be put back on the table and reviewed in more detail because it has far reaching implications. We've reached into these areas many times in this township in my memory. And I thought by now we'd know what we'd want to do without to have a decent lifestyle in Riverhead. I appreciate I'm getting long winded again and I don't know what to say with the man that got up here to talk about sewage."

Deputy Supervisor Gablenz, "Mr. Kasperovich, if I can just ask you to maybe hold your comments. We're passed the time for the second public hearing. So if we can open that public hearing and hear those people that wish to address the Board on specifically that matter, I would appreciate it."

William Kasperovich, "Alright. You'll allow me to come back after the next public hearing?"

PERSONAL APPEARANCES, Continued

Deputy Supervisor Gablenz, "If I'm still here. Thank you Mr. Kasperovich. Let the record show that the hour of 8:00 p.m.... The Deputy Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, June 7, 1988 at 7:55 p.m. to hear all interested persons who wish to be heard regarding: Proposed Addition to the Town Code Section 108, entitled: Planned Industrial Subdivision.

Deputy Supervisor Gablenz, "Brenda, if you could just give us a brief explanation of the contents of this ordinance."

Brenda Filmanski, Planning Dept., "The Riverhead Planning Department and the Riverhead Planning Board have recommended to the Town Board that the subdivision regulations as they exist in the Town Code be amended to provide for the development for planned industrial parks through the subdivision review process of the Riverhead Planning Board. This amendment to the Town Code which is the subject of tonight's public hearing would achieve the following; the possible subdivision of industrially zoned land into blocks rather than into individual lots. These blocks would be served by the appropriate public facilities and would be further subdivided into marketable lots with the approval of the Riverhead Planning Board through site plan review. The establishment of general requirements and land development standards for proper industrial park design and the establishment of requirements for the submission of industrial subdivision plans to allow for thorough review by the Planning Board. I would invite any comments from interested parties to be made into the record of this hearing."

Councilman Pike, "Quick question. You said site plan review by the Planning Board."

Brenda Filmanski, "Yes. This code does contain specific aspects of the site review process that would require at some portion of that process occur before the Planning Board."

Councilman Pike, "Would it be a duplicate site plan review or would it an exclusive one?"

Brenda Filmanski, "At this point in time, I can't answer that."

Councilman Pike, "Ok. I'd like to know."

SUPERVISOR JANOSKI ARRIVED AT 8:00

Supervisor Janoski, "I think that was the first time a woman presided over this meeting. Shoreham Wading River lost. At least I got to see the game. Thank you Monique. Is there anyone present who wishes to address the Board on the matter before it? Bill."



PUBLIC HEARING Continued

Bill Nohejl, Aquebogue, "Am I correct in hearing Ms. Filmanski say cut up into blocks then further subdivide? Was that the statement?"

Supervisor Janoski, "She can answer that."

Brenda Filmanski, "The statement was subdivided into blocks rather than into individual lots. The blocks would be served by appropriate public facilities and then could be further subdivided in to marketable lots."

Supervisor Janoski, "This is a system that is presently used in Smithtown."

Brenda Filmanski, "It's used in Smithtown as well as other towns."

Supervisor Janoski, "Ok."

Bill Nohejl, "Why I'm questioning it is because in the subdivision for homes, that has a special meaning. I can't bring up the word when you subdivide into three or four lots then further subdivide, subdivide. This is going contrary to what is in the residential zone."

Supervisor Janoski, "Well, the thinking on this, we've never had in the Town of Riverhead and industrial subdivision procedure and that's what we're trying to develop here. The thinking, the current thinking is that it is not a good idea of there's an industrial subdivision to break it down in to 10 one acre lots. An individual developer who wanted to put a plant or a business in of some kind might want six acres. But you can plan it as you go along and that's the current thinking. Now, if you think that's a bad idea...."

Bill Nohejl, "I think it's a bad idea because we denied that in residential zoning to break it up that way. So why should it be allowed in industrial? I feel it's another loophole for the mouse to squeeze through."

Supervisor Jansoki, "I wish you would tell me why not and that's the question."

Bill Nohejl, "Well, if the fellow wanted a six acre parcel, he'd buy six acres six lots. What's the problem? Now if you're going to divide, say for instance, a developer buys a 60 acre parcel of industrial land, he breaks it up into six ten acre parcels."

Supervisor Janoski, "What loophole?"

Bill Nohejl, "What loophole is the idea it's making it much feasible for a spectator to break up these lots and to sell a ten acre here, a ten acre there. Where ordinarily, he'd have to file a subdivision on it like a person would with residential, each lot individual with the sums, everything, drainage and everything in there. Now, if he has the prerogative of having a ten acre lot, he will sell it to me a ten acre lot. He'll sell the other guy a ten acre lot. And it's up to you buddy to see how many you can get out

PUBLIC HEARING, Continued

Bill Nohejl, Continued

of it. I mean, it's not done in residential and I think you're setting a precedent that is contrary. I forget the expression used years ago when you bought four acres or three acres residential and you cut it up into three acres into my wife, three acres into my son, three acres into my cousin and then you could further subdivide this into individual lots which is denied in residential right now."

Supervisor Janoski, "If you have.... I don't want to... This is not a debate. We want to hear what you think about it. Did you want to say something."

Councilman Pike, "The technique you're talking about I think, is checkerboarding. Let me drop back a few steps. I think the intent here is to not require a further variance procedure when somebody wants to do a larger project. So that the guy you are suggesting would come in and buy six lots to get a six acre parcel. He would, like in most subdivisions, be subject to setback requirements from everyone of those boundary lines between all of the lots. And he obviously would want to build one unified facility that would run across property lines and he would have to get variances to do that if he did a standard type subdivision. I think the idea here is to one; I think you're going to rest assured that he's not going to get higher yields out of it. He's not going to get higher lot coverage or higher impact on the land. What he does get is a clearer procedure to acquire from somebody in an approved industrial park development that would have a few more amenities than anything we have in the Town of Riverhead in an industrial park development to assemble the amount of land he needs to plant on it with the same coverages without having to go through the extra step of another proceeding to the Z.B.A. This type of industrial subdivision does not exist in the Town of Riverhead. I think it would be constructive for all of us to see ones that were developed under the code as it is proposed to us. But I think I can guarantee you that you're not going to get higher yield. You're not going to get higher density on it. In fact, you would tend to get public utilities there and lots configured appropriately for the projects as they come in."

Bill Nohejl, "I mean, if I want to build a residential dwelling on two lots together, I don't see why I would have to go for a variance for that."

Councilman Pike, "If you put it on the property line in an improved subdivision, you sure as heck would."

Bill Nohejl, "Well, that's a minor detail. It's my thinking. Because if I had an acre zoning and I wanted to put the house on two acres, I don't think the Zoning Board of Appeals would deny that."

Councilman Pike, "I agree with you but time is money. It's more expensive. Even you have yelled at us about that."

PUBLIC HEARING Continued

Bill Nohejl, "Well, I think it's going to be a bonanza for somebody."

Supervisor Janoski, "That's what I'm trying to get at and I don't understand that. Why do you feel that way? What do you think somebody is going to get away with?"

Bill Nohejl, "Because it's going to open up a new thing in town here which has not been before. It's going to open up where a fellow has industrial land, can readily sell it off as parcels to someone else instead of developing and having a good final plan on it. Because if it's ten acres parcels, you say ten acres, and if I had 60 or 100 acres of industrial property, I would welcome that because I would get my money back. I would be able to get more for my property and I think it's going to open up a whole new era. We denied that in residential and now you're coming into it in what has been denied all along and you're opening up this era for industrial."

Supervisor Janoski, "They're two different things."

Bill Nohejl, "I know it's two different things. We're not allowed to checkerboard in residential. That's been denied about ten years ago. Maybe more."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board on this matter? Yes."

Sherry Johnson, Manorville, "My concern would be how environmental review would proceed. If you have a large piece and you break it into blocks initially, would you do an environmental review on the entire parcel anyway? Or would it be segmented then or attempted to be segmented and only do environmental review or perhaps not do environmental review on this initial section which was going to be subdivided or broken up. If that were the case, I would certainly be against that then."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board on this proposal? Mr. Kasperovich."

William Kasperovich, "On matters such as this, although I know at the last Town Board meeting, a resolution was passed to advertise and publish that we should put in before the public hearing since that is the last time the public can reach the Town Board, a public information hearing. Now, not all of us have the time to get into any of this in detail nor are all of us that are concerned with certain things can find the time as it comes up on a calendar. Now we did without this for a long time. Why such a short period with just a limited one evening to the public on discussion? I think something like this should be open to the public for a longer period of time after reasonable concerns such as information that is brought out this evening."

Supervisor Janoski, "I think Bill, this has been worked on for at least two years. The Planning Board has delved into this problem of industrial subdivision, they have worked on it, they have looked at what is done in other jurisdictions and they have

PUBLIC HEARING, ContinuedSuperviso Janoski, Continued

come up with a proposal which has been recommended to the Town Board. It took place over a very long period of time. So that the information and the process has been going on and certainly all these meetings are open meetings."

William Kasperovich, "Ok. Very true. But it so happens that this afternoon, I had occasion to go into four different small industrial parks. And I have questions running through my head that never appeared and some of these small park layouts are not something that we want to lend assistance to. There are many many factors and I don't think we've touched all bases here. Now, this is not to cast any thoughts that the young lady who presented this nor to the Planning Board. But I don't know as we have the high caliber individuals that we have that come to the audience and speaks here. Because the people that look at it without any monetary concern, look at for the good of Riverhead. And this should be our prime concern. Thank you."

Supervisor Janoski, "Thank you Bill. Is there anyone else present wishing to address the Board on this matter? That being the case and without objection, I declare the hearing to be closed."

7:55 PUBLIC HEARING AT 8:15

Supervisor Janoski, "Before we proceed with the resolutions, I would recognize anyone who wishes to address the Board on any matter at all. Mrs. O'Hare."

Dorothy O'Hare, Reeves Park, "On Memorial Day weekend there was a fight between two groups of young people. This took place in the parking lot at Reeves Park and on the beach and it sent four young people to the hospital with broken bones, concussion, two broken noses and some sort of puncture wound but they don't know what it came from because it was dark. I have been.... The Police report said it was some sort of a revenge fight. Now, for the past five years, my husband and I have pleaded with Board members, Police Departments, Mr. Janoski, to do something because it's a progressively worsening situation. It's just plain terrible. They come down to this parking lot at night and drinking openly, foul language, pot smoking, blaring radios and wreckless driving and speeding on Park Road and down the beach. They are ruining, absolutely ruining the whole beach. It's terrible. As chairman of the Civic Committee in Reeves Park, these complaints come from me to be forwarded to you. On Memorial Day weekend, families could not sit on the beach. We had 28 vehicles on the beach at one time in the middle of the day. One group of six or eight trucks were grouped like in a wagon train fashion and they had their blankets in the middle. They came down to the beach with the trucks. I mean instead of a blanket and a towel, they bring the trucks. Another group had a large fire going at 3 o'clock in the afternoon and this is all supposedly private property owned by community members. We're asking for relief in three areas. We want the ordinance changed to prohibit vehicles from using the beach from April 1st until October 1st from 10 in the morning to 7 p.m. and we want it

PERSONAL APPEARANCES, ContinuedDorothy O'Hare, Continued

enforced. We want a legal definition of the mean high water mark so that we can restrict truck access to the proper area. There's a group of these drivers, not fishermen, that use the beach public and private as a stunt driving course and they drive up the cliffs and do 360 degree turns and I have seen them. And as I said, the erosion they are causing, is irreparable. We want the Town of Riverhead to erect some sort of permanent means of demarcation which will define the limits of the town beach and the town property from the private section. We have spent all kinds of money every year on signs and they are destroyed by these hooligans as quick as we can put them up. The Township of Riverhead is issuing permits to individuals which give them the right to use private property and instead, they are abusing it and destroying it. We have a deed to our beach, we pay taxes and insurance on it and your permits give them the right to use it and they abuse us in the process. We will no longer tolerate this. We can't. As individuals, we are confronted with these drivers and they in turn, abuse our residents. Only lawsuits can result if you do not put a stop to this abuse now. Secure your beach so that the pedestrian street entrance can not be used by the trucks. Force them to use the boat ramp that you have provided. Restore the beach patrols to protect families from these hooligans. No other beach I know of except Daytona Beach, Florida, has the problem of watching out for traffic while you're sitting on the beach. Reeves Park is a family neighborhood and we love it and we're going to fight to get it back. We really are. The next move is yours but we're not going to stop until our property is restored and safeguarded. We will no longer tolerate this element coming in and destroying property and our way of life. Because of them, we feel uncomfortable walking through the park to see the sun set. And the reputation of your parking lot is eroding our property values. I know I'm asking for the wisdom of Solome. We don't want to deny access to fishermen or to the people who have beachfront homes and have to trailer their boats. But by the same token, we have to have relief from the joyriders who are causing erosion and endangering the lives of our residents. I know you're equal to the task. Thank you."

Councilman Boschetti, "Mrs. O'Hare, I have a question. Just for the purpose of clarity, I am aware of what you mean when you say private beach, public beach. Just for the purpose of clarity, could you explain who owns the private beach and what you mean by private versus public."

Dorothy O'Hare, "I have drawn a sketch for those who don't understand it. But to get... Park Road goes down and there's a retaining wall and then straight ahead is where people walk down to the beach. To the right there's a boat ramp which is supposed to be used by the four-wheel vehicles. So they come down, they hop over the retaining wall and they drive right down where the people go. So nobody wants to sit on the public beach because the vehicles have dragged all dirt and so they come over and they sit on the sand which belongs to the Reeves Park Community. Now, I understand, to the right of your boat ramp is owned by the Township of Riverhead but nobody ever goes there. And like I said, you have to see them

PERSONAL APPEARANCES, ContinuedDorothy O'Hare, Continued

at night. They roar right down the middle of the beach, jam on the brakes and the whole truck just swings around in a circle and they tear up everything. We're like mountain goats planting grass on the cliff trying to stop it from eroding and they drive right up the cliffs with these vehicles and of course, it all slides down bringing the cliff with them."

Councilman Boschetti, "So what you're saying, in essence, is the problem you just explained to the Board or the problems rather to be more accurate, occur on private beach owned by the Civic Association. Is that what you're saying? Who owns this private beach?"

Dorothy O'Hare, "Who owns the private beach? The people who belong to Sound Park Heights and it's a private piece of property that has been bought and paid for by stockholders that belong to Reeves Park."

Unidentified Man, "Sound Heights is not the owner. Each individual homeowner..."

Supervisor Janoski, "Sir, if you want to come up here, we will let you but just a second. The Police Committee met today with the subject in mind. Now, over a period of time we have taken some action with regard to four-wheel vehicles. The latest was that we only allow Riverhead residents to obtain beach permits for those vehicles."

Dorothy O'Hare, "But it's the only beach in the Town of Riverhead that you can drive on and so they all come by us."

Supervisor Janoski, "Let me continue with what I'm saying. We did today, discuss constricting the time in which four-wheel drive vehicles can be used. We have discussed putting up fences and gates. That creates a problem but we did discuss today, all the problems that you raised and a number of other ones. As a matter of fact, Chief of Police Grattan is present this evening for the purpose of making a report as a result of that meeting as to what action will be taken. The Town Attorney wrote down the legislation action that we will consider. Whether they will be passed or not, is something we will see in the future. But if they're reasonable, I'm sure they will be. So why don't we let the Chief speak on the subject and the decisions of the meeting. But you're right, the wisdom of Solomon is needed here and it's a very..."

Dorothy O'Hare, "As I said, we're not trying to stop the fishermen. In all the years that I'm here, you never had any trouble with fishermen. These are not fishermen. These are hooligans and I would like to give these letters. I have 15 letters here from people who couldn't make the meeting."

Supervisor Janoski, "Just give them to the Deputy."

PERSONAL APPEARANCES, Continued

Chief Grattan, "Some of the problems that have been brought up tonight are definitely police problems and some of them we can handle. However, just let me disagree slightly particularly with your statement that Reeves Beach is the only beach that's driven on or experiences these problems. Unfortunately, I wish that were true. It would make it a lot easier for me. Unfortunately, it is not true. We experience the same problems at the public beach in Wading River where we have experienced a great deal of criminal mischief to the facilities already this year. As far as the other beaches, Iron Pier has the same problem. In fact, they drive all the way to the Town of Southold by cutting through the LILCO property and I spoke to Chief Winters in Southold today. They experience the same problems in the Town of Southold that we experience in Riverhead and so do the communities in the Shoreham area west of the power plant. So it's not a problem that's just restricted to Reeves Beach. The Police Department of course, has manpower restrictions. I'm not going to stand up here and make a lot of promises to people that I can not live up to. I don't think you deserve that and I wouldn't do that. I will institute as we did in past years, a part-time beach patrol which means I have to put men on overtime to do it. I'll put them in a four-wheel drive vehicle so that they can go on to the beach and they can control the parking lots. But this will be for all of the beaches and all of the parking lots in the Town of Riverhead. I can not restrict it strictly to the Reeves Beach area or the Reeves Beach parking lot or the Reeves Beach beach. The driving wrecklessly on the beaches with vehicles is an.... Action can be taken by the Police Department. If the persons are driving drunk on the beach, action can be taken by the Police Department. If they're littering, action can be taken by the Police Department. And certainly if they're speeding in the Reeves Park area, action can be taken. One of the major problems we run across is this mean high water mark which Albany has been less than helpful in determining for us. We have written to the State Attorney General on this problem. And their opinion seems to be the end result to positively determine the mean high water mark would call for a new geodetic survey each and every year because the coastline is constantly changing. The mean high water mark by their definition is an average line between the winter storm tide and the summer mean high tide. I don't think there is a person in the world who can take a particular piece of beach and say right here is the mean high water mark. It's a judgement call. And because of that, my department is instructed, if you wish to have someone arrested for trespassing, you are going to have to make a citizen's arrest. We'll take the person into custody and we will process them. But you are going to have to come into court and prove where your property line is. I can't prove that and I can't make an arrest on somebody's word that that's where their property line is. There are no property markers. There are no distinct boundaries to go by and I can not take anyone's word on where their property line is or where the mean high water mark is. If you wish to pursue it and make a citizen's arrest, we will gladly process the complaint but it's going to be up to you to prove in a court of law where your property line is. I can't do that for you. We also have to have signs posted at all the beaches in order to enforce any of the ordinances. We can enforce them without the signs but then it's happening is that the charge we've put against the person, will be dismissed if the signs

PERSONAL APPEARANCES, ContinuedChief Grattan, Continued

are not properly posted. My intentions are, unless someone has better information or desires something differently, to institute the beach patrols in the late evening and early morning hours. This is what we've done in the past. We're planning at this point of starting at a 9 a.m. to 3 a.m. patrol. That can be extended later if there is a need for it. I don't know if there is a need to start it earlier than that. If we find that we're getting complaints at different hours than that, then we can certainly adjust it. A problem that hasn't arisen yet and we're sure to face shortly, is the ATV problem. Right now we're facing the four-wheel drive licensed registered vehicles. And they are, believe it or not, a lot easier to control than the ATV's are. The ATV's get on the beach and we really don't have much control over them. We don't have a vehicle that can do anything that they can do and I don't really want to chase 13 and 14 year old kids on the beach and have them smash into rocks and get hurt. I don't think that's the answer. I think we've got to have some parental control on the use of ATV's. Now as an association, this is something you might do as a unified group, to try to make sure that no one in your own area permits the use of ATV vehicles on the beach. We have unfortunately, in the past, had complaints from some residents and the operators of the vehicles turned out to be other residents of the area or the children of other residents of the area. So a strong stand by the Civic Association might be very beneficial in that area. I would also encourage you to promptly report to the Police Department, any illegal actions that you observe. I can't put a cop there full-time and I'm not going to stand here and promise that I can. I could try to and he would be called away for other business. I'm sure Murphy's Law would apply, that's just when you would need him. But I ask you to call us and give us as much information as you can. Give us a description of the vehicle. Give us the license plate number if you can and my officers will respond and do the best they can for you. Unfortunately, a lot of times if the officer does not witness the violation that you're reporting, he's powerless to take action against it and that's when you have to make a decision of whether you're going to stand up for what you believe in and come forward and make a complaint against the individual. If you back off, then you're going to lose to them. Now, a lot of people are worried about people taking revenge on them. It usually doesn't happen. It's a very rare occasion when somebody comes back against someone that's signed a complaint against them. But if you really want to have control of your area and I ask you to be observant of who violates the law, what the violation is and to follow that complaint through even if it means coming into court. And that way you'll make a much stronger stand, you'll help the Police Department and we'll be able to take stronger action. However, in the meantime, we will start the extra beach patrol. If you feel that you have suggestions on better hours or particular incidents that we should look for, please let me know. I'm available at any time if anyone has anything to talk to me about concerning these problems. If anyone has any questions, I'll try to answer them tonight."



PERSONAL APPEARANCES, Continued

Councilman Pike, "One or two. Chief, I think we've all had enough experience with law enforcement to know that just as a plain fact people are intimidated and that's a rare individual who is willing to put his name and his house and his kids on the line at the same time, he's putting his time on the line. Those of us who practiced in the courts, realize it's a very time consuming thing which we often have more enjoyable things to do. And I'm wondering how much a real impediment the mean high tide mark presents. Let me see if I've got this straight. If somebody is on the private side of that line, he can be charged with trespassing."

Chief Grattan, "He'd have to be told to leave by the owner of the property. It's not posted, so it's a simple trespass so he can go there with privilege until he's instructed to leave."

Councilman Pike, "And if he's on the other side of the line wherever it is, he's subject to merely whatever rules and regulations that the town imposed on public property."

Chief Grattan, "Yes."

Councilman Pike, "Would it be possible for us simply to regulate those activities which are causing, regulate against those activities which are causing these folks so much trouble and have that regulation apply on to the private property side of that line."

Chief Grattan, "I don't know Mr. Pike. You might have a better means of answering that than I am."

Councilman Pike, "So here's a very straight forward legal question. Can we provide rules and regulations for operation or activities on the public portion that we can enforce on the immediately adjacent private portion of what is obviously..."

Chief Grattan, "The one problem to keep in mind with that is; if we do that, the prohibitions, whatever they be, would apply also to the owners of the property as well as to anyone else that was in that area."

Councilman Pike, "But I think we can find a set of activities here that no one wants to see happen."

Chief Grattan, "I feel that if nothing else, once we start the beach patrols, we're going to move them around. This is historical. It's almost a right of passage, the kids go to the beach. They have a few beers. It's not a bad thing in its own right but they get carried away. They become noisy, not all, some. They litter. They become destructive and they cause problems. We even have the problems down at the Bay beaches down by the State Marina. It's a large gathering place which we're going to have to take some action against this summer."

Councilman Pike, "Ok. My simple suggestion is, if in fact we can enforce on the private property portion of that line or simply get consent to enforce, then you've gotten rid of the question of what side of the line it's one. And you've also enabled the public officials, the police who are trained to do it, to prosecute complaints and those are my suggestions."

PERSONAL APPEARANCES, Continued

Pat Moore, Town Attorney, "I have an answer for you right now. We have an ordinance on the books right now that prohibits trespassing on public as well as private property. So if we could regulate trespassing on private property according to this ordinance."

Councilman Pike, "Obviously, we can do that. I'm coming at the rules and regulations of activities that apply to public generally."

Chief Grattan, "It would have to cover both mutually because we otherwise still have the determination of where is the line."

Councilman Pike, "That's my point. To get rid of that as an issue whatsoever. What I'm driving at is it seems to me that there ought to be a way that the town police can one; occasionally be present, possibly undercover. Two; enforce without regard to where that line is and have it sustained by the courts and I'd like to pursue that avenue. Just a suggestion."

Chief Grattan, "I'm not sure I follow you Mr. Pike, when you talk about undercover. Are you talking about...?"

Councilman Pike, "A guy in a bathing suit."

Chief Grattan, "The only vehicles I have capable of operating on the beach are marked police vehicles."

Councilman Pike, "I know a few car dealers in the room."

Chief Grattan, "I will gladly accept a new four-wheel drive vehicle."

Councilman Pike, "That's a smaller problem than we're dealing with."

Supervisor Janoski, "Are you finished Chief?"

Chief Grattan, "I'll stand right here in case somebody wants to yell out a question."

Tom Ryan, Reeves Park, "Mrs. O'Hare stated that the private beach belonged to a particular group up there. She stated that the property belonged to a special group up there. This is not so because many people up there have it written in their deeds that they have beach rights. So to just give it to one particular group, that has been a headache for a long time. So that's all I have to say."

Supervisor Janoski, "Ok. Thank you. Mr. Goldman."

Rob Goldman, "I'm going to put on my other hat after 20 years of youth work experience, I'm sort of wondering what kind of preventive measures can be taken. I also was a teenager in Riverhead and as the Chief said, I had a few fun times down at Reeves beach myself. I'm sort of wondering, is there something that can head this off so that kids don't have to go down there? There are other better activities for them to get involved in?"

PERSONAL APPEARANCES, Continued

Audience, "Where?"

Rob Goldman, "Well, that's what I'm saying. Are there any programs planned or anything like that?"

Supervisor Janoski, "The town offers through its recreation department, many programs. It's usually the people who do not go to those programs that occupy the beaches."

Chief Grattan, "The town does not offer beer drinking for under legal aged kids."

Jerry Sheen, Reeves Park, "My forte is fishing. I would like to ask Chief Grattan if maybe we could work some way. I have probably seen more violations on that beach than anyone in this room. I spend more time there. And if there's anything we can do as far as a civil patrol of the fishermen to report the license plates, make and color of the vehicle so there is no mistake for these violations and have them notified in some way in writing by the police department that they have been observed violating, riding on the dunes, speeding, drinking or whatever and have a letter perhaps sent to who owns the vehicle and something be done. A warning. Their privilege to ride the beach will be suspended if it happens again or any method like that. There has to be a way. I know the enforcement in the town. It's very hard to patrol that beach. There are a lot of ATV's. There are a lot of four-wheel drives that violate a lot of laws on that beach and I've observed just about every one of them."

Councilwoman Civiletti, "Can I ask a question? What would you say is approximately the average age group? How old are the people that we're talking about?"

Jerry Sheen, "I would say high school children and a little bit above. They are not of drinking age, most of them and they're in violation right there. And I'm sure a lot of them do not own these vehicles. I myself, can't afford to go out and buy a 17,000 dollar vehicle and ride it down the beach. If my daughter who is of driving age now, violated something on the beach and I received a letter from the Riverhead Police Department saying my vehicle was seen violating something, she would never drive on that beach again. There has to be a way to approach this and I'm just saying to you people here that I'm willing to help any way I can. We can set up some kind of civil patrol. We do it with the Long Island Beach Buggy Association. The United States Coast Guard cooperates with us and the police departments also. If we report a violation, they take care of it and they take the word of the person that reported it. If something can be done, I'd appreciate it and be more than willing to help. Thank you."

Supervisor Janoski, "Bill."

Bill Nohejl, "I wish to ask the Chief a question. Is it possible to have a civilian of Reeves Park or any other area, sworn in as a deputy to enforce the law there?"

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PERSONAL APPEARANCES, Continued

Chief Grattan, "The town can not just swear in anyone in as a Police Officer or Deputy or otherwise. They can appoint, under various titles, persons who have the power to issue appearance tickets to persons to come into court. However, they can not grant the power to physically arrest someone. That can be done as a citizen. When you do it as a citizen, you expose yourself to personal liability."

Supervisor Janoski, "Thank you. Henry."

Heney Pfeiffer, Wading River, "Chief Grattan said that there are several beach areas where the violations occur from time to time. Back in the dim corridors of time, I was a military police officer, pro-marshall, tenth Army. And like the Chief, we had limited personnel to enforce the laws and to control the military population in conjunction with civilian. And what we did was keep a situation map which indicated that such a street, at such and such a time, this incident occurred and they built up a pattern to indicate where we should deploy our military police. And we find that way we could judicially use the personnel we had handy. And the thing that has brought this to my mind was that Mrs. O'Hare, I believe, asked for certain coverage on Reeves Beach from 10 a.m. to 6 p.m. or 7 p.m. And the Chief indicated that he was going to patrol the beach in the early hours of the morning and the late hours of the evening. I wondered, if possibly by setting up a situation map either by observation or complaint of the Reeves Park people, that he might find it advantageous in deploying his force."

John Fuchs, Reeves Park, "It seems the only way you're going to keep these people happy up there, if you ban kids from the beach. Alright? Is that right? I got four of my own too and they're down the beach every night. Where would you like these kids to go? Where do you want them to go? Down the circle? They can't hang out down at the circle. If you have something to say, get up and wait. That's what we were told before."

Supervisor Janoski, "Mr. white hat, would you do me a favor? Tell us who you are and where you live and would you please talk to us up here."

John Fuchs, "John Fuchs, Reeves Park. Why don't they just ban the kids from the beach? These kids have to have some place to go. Where are they going to go? They hang out down by the circle. They get chased from there. They go down to Iron Pier. They get chased from there. Then they go down to Reeves Park. They get chased from there. They go to Roanoke Landing. It's just a big circle and they have to have something to do. I don't condone the drinking or nothing like that. But they have to have a place to go."

Supervisor Janoski, "The Chief has already pointed out that what we in effect can do."

John Fuchs, "As far as four-wheel drives, they're entitled to drive on the beach. They've got the hours they're allowed to drive on the beach. During the season, they've got to be on there an hour before the lifeguard takes effect and an hour before he gets off. That's when you can ride the beach."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "That's correct."

John Fuchs, "That's all I have to say."

Supervisor Janoski, "Yes sir."

Leo DiPierro, Wading River, "I'm going to feel like a heal adding more fuel to the fire here. But I have a complaint for the remote control model airplanes. I understand that there's going to be a decision made this evening. I would like to bring up some valid points before the vote is taken. First of all, where is the location of this particular site? I see two places. I see the past one and I see a new one."

Supervisor Janoski, "There's a new location which is being proposed closer to the residences of the buildings on the Fink Farm."

Leo DiPierro, "In other words, the place that was used before will not be used. And yet Mr. Gentile is asking for a special permit. This is not even his property where the Flying Eagles is renting the acre plot."

Supervisor Janoski, "No. It has nothing to do with the parcel that was offered as far as rental but it is still Mr. Gentile's property."

Leo DiPeirro, "Well, correct me. Mr. Gentile is asking for a special permit."

Supervisor Janoski, "That is correct."

Leo DiPierro, "Is this on his property or is this on the rented property?"

Supervisor Janoski, "Yes it is. It's on his property."

Leo DiPierro, "What about the Flying Eagle Club who independently rented this acre plus adjacent to...?"

Supervisor Janoski, "I didn't know that that actually took place but there is no application for the adjacent parcel."

Leo DiPierro, "Well, they started this about a month ago."

Supervisor Janoski, "I'm aware of that they offered as perhaps as a way of mitigating the problem, that they would rent an acre or so on an adjoining parcel to the west, I believe."

Leo DiPierro, "Are we talking two different clubs now, two different areas?"

Supervisor Janoski, "No, no, no. But the Town Board is not considering that proposal. We are considering the proposal of the special permit application of Mr. Gentile on Mr. Gentile's property."

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PERSONAL APPEARANCES, Continued

Leo DiPierro, "I can't see where it would be possible to fly those planes on that 360 foot. There's no way possible that he could fly those without violating my area. It's just not wide enough."

Supervisor Janoski, "Well, that's what the Board has to decide."

Leo DiPierro, "Ok. I just have some questions I want the Board to take into consideration before the vote. This is in regard to the Navy. During the Town meeting they were opposed to it. Mr. Simonsen had spoken opposing the permit with safety regard to the 40 million dollar test jet planes that fly over. I'm under the impression that there's a five mile limit where none of these activities, including kites, simple as that, let alone planes, can be flown. I've read it right off a kite thing. You can not fly a kite within five miles of an airport, let alone a defense plant that tests these..."

Supervisor Janoski, "We received correspondence from the Navy and they set out perimeters under which the activity could take place."

Leo DiPierro, "Is that, who ever made the decision, is it a legal decision within that they can do this or is that a law that you can not do it within a five mile radius?"

Supervisor Janoski, "I don't know what you can do within a five mile radius. All I know is the United States Navy sent this correspondence indicating that they had some concerns about the flying of model aircraft within their flight pattern but that under certain circumstances, they could accept it."

Leo DiPierro, "What are the certain circumstances?"

Supervisor Janoski, "That the tower be notified when such activity is taking place."

Leo DiPierro, "Who will monitor that?"

Supervisor Janoski, "Well, that is part of a proposal that is contained in the resolution. I believe that the requirement is someone be made responsible, individuals be made responsible for the activity and they are (I'm trying to remember the word, if you could pull out the...)...."

Councilwoman Civiletti, "What we did was require that the owner designate up to six people, all of whom are members of the club. Well, first of all, flying on the property is limited to people who are members of this club. And that the owner must maintain constant on site supervision of the property either personally or via up to no more than six designated agents who must be qualified members of the club. And those designated supervisors, if you will, are required to make sure that certain things do or do not take place. One of the things that they're required to make sure

PERSONAL APPEARANCES, Continued

Councilwoman Civiletti, Continued

take place is the contacting of the Calverton tower prior to the commencement of any flying on a particular date to get permission from the Calverton tower at Grumman to fly. We're also requiring that the club maintain not only a list and provide us with a list of who those people are; names, addresses, telephone numbers, ages but also that the club maintain a log book in which they have to enter when flying takes place, who the supervisor is and when the control was contacted and who was spoken to there and when permission was sought and received."

Leo DiPierro, "Could I be appointed as one of the outsiders to monitor this since I am the adjacent landowner, in case any violations. Because I would like to call the tower to find out if in fact, they were informed."

Supervisor Janoski, "You're presupposing that this proposal is going to pass Mr. DiPierro."

Leo DiPierro, "I had to look at all potentials. A little foresight."

Supervisor Janoski, "That's an interesting question."

Councilwoman Civiletti, "Well, I think what we were driving at when we came up with this language was to make sure (first of all) that only people who are registered members of their club, fly on the site. So that it would help to do away with the concern of just anybody to come there and start flying at a given time without any supervision."

Leo DiPierro, "I have to be very cautious. I battled this group for two years and I heard a lot of contradiction in the two year period. So I just want to make sure that if in fact, this is permitted which I think (personally) is going to create a problem. I'm not speaking for myself. It's not like the news had mentioned a dispute between Mr. Gentile and me. I have 78 petitioners. It's really a dispute between Mr. Gentile and 79 individuals."

Councilwoman Civiletti, "I certainly recognized the potential problems and I was unwilling to vote for a special permit except one that was of a short initial duration, one that was renewable annually, one that could be suspended upon violation and one that came along with every conceivable restriction and backup in terms of enforcing rules that ensured the safety of people who fly, the neighbors, the Grumman pilots, etc. etc. Not without reservation, we came up with something I think addresses a lot of things adequately. It does not address, as Mr. Kasperovich pointed out, the question of noise levels. But if a noise ordinance is enacted by this Board, this club would have to abide by that as any other activity. And it does not address the question of flying on every day of the week versus not being able to do that on Sundays. But in every other conceivable way, I forget how Rob Pike put it the other day, but we really tried to make this as tight as possible."

PERSONAL APPEARANCES, Continued

Leo DiPierro, "You're talking seven days a week from 10:30. I don't believe they can fly any earlier than that because of the sun rising and get in their eyes. So you're telling them 7:30 until dark seven days a week. So you're really giving them any time they feel like flying. Is that a restriction. I don't see any restriction in there."

Supervisor Jansoki, "Do you have any suggestion with regard to that Mr. DiPierro?"

Leo DiPierro, "I personally think it's going to, regardless of whether I... I have had a conversation with Mr. Goldfarb, the president, he called me. And we both discussed some very valid points. And I told him, even if I gave you my blessing, we have the other neighbors involved. I personally, been confronted with complaints from neighbors. We all know, obviously, through intimidation, a lot of people don't want to come forward. They sign their petition. That speaks on their behalf, with their name on this petition. I guess they figure that their name is their presence on a petition. I really have to be like a spokesman for them but I talked to everyone of these people who signed this petition. I did not force anyone. I gave them the whole story. And to be perfectly honest, one person wanted to sign before he heard the story. I said no. You're going to hear all the facts first. If you want to sign it, you sign it. If you don't alright. I did not try to pull any wool over anyone's eyes. I told them the whole decision. Out of 83, 78 signed it. I think that was a pretty good record. I figured I'd stop there. Time is valuable like you say. I can't spend all my time fighting the situation like this. I do know that there's going to be a problem unless they come out with a plane you can't hear or worry about the people getting on somebody else's radio. Suppose I want to fly an airplane. Suppose I want to fly a plane in this club. You've got them on the same frequency and you're going to have a problem. I had a person who signed the petition tell me that they are not safe. He said he had a little remote car in his house and all of sudden it started moving backwards and forwards because it was on somebody else's radio frequency."

Supervisor Janoski, "I can't think of anything that's safe these days. Including some of my favorite activities. But the question is before the Board. I want you to just go back over what happened this evening. On one hand, we had people stand at that microphone and say, what do our young people do in this town? And as a person who use to fly model airplanes along with Councilman Pike, it seemed like a wholesome activity. I personally, don't think that this Town Board and this government has spent so much time of dealing with the issue of model airplanes but here it is and we must do so."

Leo DiPierro, "I do not condone this Board. I have nothing against it whatsoever. I don't think it's the right area. Brookhaven Town has spent considerable time and money. In fact, I talked to one of the foreman in Brookhaven Town. They told me they used payloaders and they went out of their way to build to accomodate on Martha Avenue in Bellport. They dedicated an area so they could fly their planes. Why can't Riverhead find a place? They have open land. Can't they dedicate an area? Can't Grumman dedicate an area? They



PERSONAL APPEARANCES, Continued

Leo DiPierro, Continued

are saying they can fly now if they notify the tower. Yet they're saying they can't fly within our compound."

Supervisor Janoski, "Mr. DiPierro, the issue is on the agenda for decision tonight and the Board will have to make a decision based on the evidence you present and the evidence that others have presented. And I'm as much interested to see what happens as you are."

Leo DiPierro, "Thank you."

Supervisor Janoski, "Let's try to keep it down to the five minute restriction."

Nick DiPierro, Wading River, "I'll try to keep it down to two minutes. Concerning the young people flying the planes. I've been up there many many times. And as far as seeing young people, the age of the young people I would put in the category of Rob Pike and overgrown young persons. In the sense, the resolution as I see it, is approving everything that the model plane club is looking for with the exception of the time. The time frame has been extended in the sense that a half hour has been taken away from the amount of time they can fly each day. But we're still talking seven days a week as my brother said. Also,..."

Supervisor Janoski, "I will ask you the same question. Is there something that is more acceptable to you? Is there anything that is more acceptable?"

Nick DiPierro, "Away from the place that they have been flying."

Supervisor Janoski, "I'm talking about time."

Leo DiPierro, "The time. Monday... Five days a week excluding Sundays and we can shorten the amount of time. Let's not make it 7 o'clock and let's move the location. If you can not find an appropriate site like I had suggested at the last public hearing of April 19th, I would still like an answer as to what Riverhead Town is going to do like Brookhaven Town did. Are we just going to drop it? The alternative would be to find a suitable location where everybody would enjoy it without disturbing any individual or any one area. Like I said, over the Pine Barrens or Grumman, the Navy has plenty of buffer zone. I don't think anyone has approached that. But anyway, I'm getting off the point of what I was starting to say. I'm losing my train of thought."

Councilman Pike, "You were beating up on me."

Nick DiPierro, "Yes, I finished that. Nothing has ever been said about the restroom facilities. That's not in the proposal."

Councilwoman Civiletti, "Yes it is."

PERSONAL APPEARANCES, Continued

Nick DiPierro, "I must have overlooked it."

Supervisor Janoski, "The Board and I guess to our credit, really worked to try to come up with an addressing of this issue that satisfied the concerns of the individuals who expressed opposition to it as well as those who want to engage in the activity. And really, in my memory, is that we worked on this as much as we worked on the real airport some years ago in coming up with restrictions and covenants that would make it work."

Nick DiPierro, "I remember that well. I followed it very closely and I spoke to Joe Brush recently. He said for all intents and purposes, that permit, even though it was approved, it doesn't pay him to fly his planes because he has too many restrictions."

Supervisor Janoski, "That has nothing to do with this."

Councilwoman Civiletti, "I'm wondering how the Long Island Flying Eagles are going to feel when they see this if it passes. They might feel the same way."

Supervisor Janoski, "But what I'm saying is that we really have worked together to try to put something together that makes everybody unhapppy I guess. Thank you. Why don't you come up while Mr. Pike is making his comment."

Councilman Pike, "It's just kind of a funny observation because in growing up in this town, I think I was blessed with an awful lot of neat opportunities for things to do to keep out of trouble. I built my own go cart. I learned how to clean out a carburetor and I spent half a day trying to figure it out until I realized you had to touch the thing to your lips and blow through it to clear out the needle valve. I built a boat when I was a young person. It worked great until I hit the first wave into which it immediately dived. I was even trained by my father on how to handle guns. At a fairly young age I went through the licensing to learn what a gun is. And I also learned how to fly model airplanes and that was about as successful as the boat was. But somehow I think that these are very American and good things. The alternatives that most of the people who are young in this town are faced with, if we start restricting on things like that, aren't any less dangerous. In fact, they're quite a bit more dangerous. I'll plead guilty to having a little bit of kid left in me. And if I vote for this thing tonight, I think it will be because I'd like to see the kid in just about everybody in this room to stay young until the day they die."

Al Beck, Aquebogue, "I have a few questions that are not answered. These standards that you set for these model airplanes, is that true of all model airplane clubs in the Riverhead township?"

Supervisor Janoski, "It would be a case if someone had a piece of property that they wanted to put to the use of having a model airplane club use, they would have to apply for a special permit but I would imagine that the restrictions would be somewhat similiar. There may be additional ones."

PERSONAL APPEARANCES, Continued

Al Beck, "The reason I ask, is you know we've had four clubs flying in the Riverhead for 25 years now and we never had a special permit or a requirement to get one."

Supervisor Janoski, "I quite honestly, don't know how we got here."

Al Beck, "How we got where? Do we need special permits for softball games on private property? Why are you picking on model airplanes?"

Councilman Pike, "Part of what happened is that you had an enforcement proceeding in which the town got involved unrelated to model airplanes. The second factor here is that there's a lease involved. It's a commercial activity where they're selling this as something to do with the land."

Al Beck, "So if there's no money transacted, there's no reason for a special permit. It's the same as a baseball game."

Councilman Pike, "It's more of a hobby and far less of an ongoing commercial activity."

Al Beck, "So only if you pay money to fly on a field, is there a special permit required."

Councilman Pike, "Well, I want to answer you honestly and I'm not going to make it that easy. What we do here tonight is a precedent and I think that's what you're asking."

Al Beck, "The reason I ask is because I went to your Recreation Department and they said you could fly model airplanes anywhere but check with the Police Department. I went to the Police Department and they said we have no ordinance against flying model airplanes and this was 25 years ago."

Councilman Pike, "Clearly, if you own enough property of your own, you can go out..."

Al Beck, "No. We fly behind UPS in the Grumman controlled area. Grumman gives us money, the club, to cut the field that's inside their control zone. Now questions have been brought up, why don't we have one central flying field? As for the same reason you don't have one baseball diamond. You'd line up, and two weeks later you would play a baseball game. We don't have men's room for the simple reason that down at your boat ramp in Jamesport there's no men's room or ladies' room. Taking Boy Scouts on a hike, there's no toilet facilities by the side of the road in Riverhead township anywhere. So when are you going to put out the piece of paper telling us what to do when we've been flying there for 25 years? Think about it."

Supervisor Janoski, "Is there anyone else who wishes to address an issue at all? Why don't we save you for last and get Mr. Kasperovich."

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PERSONAL APPEARANCES, Continued

William Kasperovich, "I relinquished this microphone for the second public hearing and a lot has transpired since. I will say this much, that the man that spoke about the sewage system had a number of erroneous items in his talk and some of his suggestions were certainly, didn't indicate any background knowledge of engineering. I have talked about this sewage and the scavenger waste system to you people for I guess, ten years now and I don't think there was an item that he brought up that I didn't cover. But I don't think you people are seriously concerned in doing anything about it. Because if you didn't agree with me, you certainly have checked with somebody else to find out whether I was bringing forth any valid considerations. Apparently you didn't. I will continually bring forth that these work shop sessions that you people have are in essence, Town Board meetings and you simply go through the formality of voting on these evenings. But I think you have already concluded because you've had the discussion amongst yourselves and you have used indirect methods to determine how each individual stands. This, by all legal rights, I could find is a Town Board meeting and not a work shop. And I thought by getting two attorneys on the podium, that this would cease and de cease but you people have resolved all this yesterday or the day before. You went to discussions and you're going to vote on it tonight as a formal procedure. You're certainly not exchanging viewpoints or personal positions on the issues. At the last Town Board meeting, and I'll have to put my gadget on because my lawyer is going to want to know what I said, I brought to you people the concern that you're not hiring people in the township properly or correctly or even legally. You interjected a disclosure form that was never used to me on previous applications. I was quite disturbed but I put all that aside because the one premise I work on is what good will it do for the township, what good will it do for my home ground. I have passed the stage of being an overgrown kid. I have to count the days I have left and I don't see any more pussyfooting with you people. I came to your interview, Mr. Janoski, with an open mind and all considerations for you, your attorney and Councilman Lombardi. Apparently Councilwoman Civiletti who made her appearance, had to leave very quickly."

Councilwoman Civiletti, "I'm not on the personnel committee."

William Kasperovich, "The people of Riverhead seldom know who the personnel committee is and what they do and how much strength they have and how their recommendations are upheld. But you advertised for an ordinance inspector. You had a man, a very good man who passed on very recently by the name of Gus Gillen, who's title was officially ordinance inspector. However, the interview for enforcement. The interview was much beyond a high school graduate with two years experience. It was much beyond the judicial requirements of an individual as to interpret what duties have not been written, what duties can be spelled out or not spelled out by the Town Attorney. Who, that in all these years, Mr. Ehlers, Mrs. Moore have been Town Attorneys, have said that they are here. They are here, the attorney is here as consultants to the Town Board. They are here for the benefit of the Town Board. Now all of a sudden they've been put into another category and are given an employee to act. But the conduct of the past individual was far beyond that of inspector. And the

PERSONAL APPEARANCES, Continued

William Kasperovich, Continued

questions that you, Mr. Janoski, put forth to me and you, Mrs. Moore put forth to me, were quite insulting."

Supervisor Janoski, "I don't remember asking you a question."

William Kasperovich, "You don't remember anything when you talk to me and I'm getting use to that."

Supervisor Janoski, "That's very true. Could you tell me what question I asked you?"

Wililam Kasperovich, "Yes. When I have you on the stand before a judge and you will have some response. Because whatever you say this evening, carries no merit. But you publically announce one thing, and at interviews, do something entirely different. To say the least, this is not proper and this is not the first time. But this time, I feel you are acting to the detriment of the township. The ordinances that have long been ignored by the police, are being brought to the forefront by this particular Board and I don't know if you're accomplishing anything when I hear Chief Grattan get up here and say what the police can not do, what the police do that is not effective, what the police don't want to do. There's the police commissioner and there's the chief. And you have to get all the people of Reeves Park up here to get you to do your job. Well, that means that you're not doing your job. And you chief, are delinquent in your duties and I'm not going to be afraid to get up here and say this because I had to sit there and listen to you two people lie to me. I had to swallow it for the good of the township. And if I'm going to do that, there's going to be no holds barred. You people have no integrity or sincerity in your conduct and I don't see why you should expect it from anybody else. You're the police commissioner, you're the elected Supervisor. If you can't do a good job, let somebody else try. But to act the way you did to me, is an insult to my intelligence and I want the people in this township to know that because you are employing people to act for the Town Board and for the best interest of the people. This is not being done."

Supervisor Janoski, "Thank you Bill. In the back."

Ivan Goldfarb, "Good evening members of the Board. I'm the president of Long Island Flying Eagles. I'll be very brief. I only have one question. If we locate a piece of property in the Town of Riverhead, do we have to apply for a special permit if it is in a location other than the Gentile property?"

Supervisor Janoski, "There is only one entity that I know of can answer definitively that question and it would be a court."

Ivan Goldfarb, "You answered my question."

Supervisor Janoski, "The answer that I gave is; ultimately, the only entity that could answer that question is a court. Now Mr. Kent."

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PERSONAL APPEARANCES, Continued

Mike Kent, Chamber of Commerce, "Is this a great country or what?"

Supervisor Janoski, "I want you to know Mike, unlike private industry, that if anybody is not hired correctly in the Town of Riverhead or any other jurisdiction, Civil Service makes the Supervisor pay all the money that was improperly paid in salaries back to the town."

Mike Kent, "Has that happened to you recently?"

Supervisor Janoski, "No it hasn't. But boy I want to tell you, I make d--- sure that we hire everybody properly."

Mike Kent, "Well, I see intimidation plays a great part in everything that goes on around here. In any case, I'm here as advertised at the last Town Board meeting, after only one meeting, the stand from the Riverhead Chamber of Commerce Board of Directors. And the Riverhead Chamber of Commerce Board of Directors wishes to be put on record as supporting the existing zoning on Route 58/Route 25 and that it does not support a change of zoning of that corridor to business "B". Now, that was our stand and it was done by a wide majority and I just want to make one comment if I might. And that is to say that this in no way sets any kind of a position for the Chamber as being anti-business anything. This is a particular situation with a particular set of circumstances. We are still unalterably opposed to moratoria of all kinds and we obviously reserve the right to take a stand on any other applications for zoning or rezoning in the future. Thank you."

Supervisor Janoski, "Thank you Mr. Kent. An opposing minority view. That's it. A dissenting opinion. Mr. Garsten."

Irwin Garsten, "My being here makes me remember the story of the teenager who hadn't spoken for about five years. And one day at breakfast, he started speaking after his mother and father had been quarreling at the table and there were gasps and he started speaking. And they said; what made you start speaking? And he said, up until now, what you were doing (both of you) was pretty okay. But not any more and now I have to speak. So I'm speaking Mom and Pop. The decision that the Chamber made, I unalterably be opposed. It was not as clear cut as Mike said. There was three or four abstentions. I don't think the Chamber had the opportunity, the Board, of hearing other comments aside from those that were given to them that day of the meeting. One was by Stan Hagler and the other one was by me. The Board, Executive Board had been approached by Betty Brown and no one had been given the ability to address the Executive Board except Betty Brown. So I think there was some influence possibly. In any event, it's all academic. The decision on the part of the Town Board to deny the change of zoning from campus to "B", to me anyhow; is symptomatic of a generally negative attitude that's been developed over a period of time. It's ironic to think about the years of 1975 to '79 when the Town Board had such a positive attitude with reference to bringing in development into town, whether residential or commercial. And how they went out of their way offering grants and everything that you can imagine to get businesses into town, but there weren't that

PERSONAL APPEARANCES, ContinuedIrwin Garsten, Continued

many. And here we are in a situation over the last few years where we seem to have tremendous amount of interest in activity and yet what happens is nothing. The Town Board and all the government in town seem to be to me anyhow, anti-business. Anti-business not by professing it so but by not acting, by delaying, by passing more laws. God knows we have enough on the books already. By generally, making it very expensive for businessmen, builders, developers, what ever you want to call them, from coming into town and offering their services. Now, you must realize what's going to happen in the long run. If we keep builders and we keep developers of commercial property from being able to do their job, what we're going to do is to allow those that are here and that can operate, to have pretty much of a monopoly. The houses that are going to be built are going to be built with that high gross profit and they're going to be expensive. The businessmen are going to charge high prices because they have no competition. You don't think this out initially when you say no but this is what happens. And the law of supply and demand will dictate this happening in the long run and it's not healthy. I as a businessman say; wow. That's great if I have a monopoly but I still don't think it's good for the community. And we need growth to pay taxes. Every time you say no to a project, what you're doing is you're hurting every citizen in this town and every businessman in this town, everybody in this town that pays taxes. How in the heck are we going to afford what we would like if we don't have growth? When you don't grow, you die. I know this as a businessman. You've got to change all the time. You've got to move forward. If you don't, you are going to end up behind the eight ball. I guess I could continue talking on and on but I think I've said enough. I just wanted to counter act the position the Chamber had with reference to their vote and I just wanted you to know my feelings with reference to being more positive about growth in this town. Thank you."

Supervisor Janoski, "Thank you."

Theresa Southward, Wading River, "I just want to bring up a few points about the model airplanes. Aside from the noise and safety, they are concerns of mine because I don't live far away from there. It was stated that Mr. Gentile had talked to the neighbors and they all approved. Well, I consider myself a neighbor and he never spoke to me. I understand also that there is a business operating there without the proper permits from the town. They had also requested something else to be done and the town denied it. Something that would enhance the community to some extent and I just find that it's a bit frivolous to entertain the idea of approving a model airplane club when they're not even considering what's going on with the business. And I would also hesitate a little bit because I'd like to know exactly how many members are residents of Riverhead town. How many residents are actually going to be flying or is it going to people from other communities. I think this should be considered. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else? Well, I'm going to close the public comment part of the meeting. We're going to take a recess until 9:45 and then we will take up the resolutions."

07/7/88  
TOWN BOARD RECESSED AT 9:31 P.M.  
TOWN BOARD RECONVENED AT 9:50 P.M.

Resolutions #359-#394 contained on pages 681-729  
1988 Resolution Book.

**#366 APPROVES SPECIAL PERMIT OF GREG GENTILE.**

(Before vote)

Councilwoman Civiletti, "It requires flying to take place on the premises only by the members of the Flying Eagles pursuant to a written lease requires that the town get a copy of the written lease along with any amendments and or renewals. It requires the owner to maintain constant on site supervision. Allows the owner to designate up to six individuals all of whom must be at least eighteen and members of the Long Island Flying Eagles as agents for supervision of the premises who shall be responsible for compliance with the conditions of this special permit. Excuse me. We, the town must get a list of all the individuals including their ages, addresses and telephone numbers who are agents designated for supervision and a copy of this list has to be kept on site during flight operations for purposes of inspection. No flying shall take place on the premises unless the owner or a duly designated agent is present and supervising. It restricts flight during the hours of 10:30 and 7 p.m. or dusk which ever occurs first. No flying shall take place unless the owner or designated agent first obtains flight clearance from Calverton tower at Grumman. Flight is restricted to the air space within the boundaries of the premises. No more than four airplanes shall be flown simultaneously on or about the premises. It prohibits shows or exhibitions or contests except by permission and granting of a license by the Town Board. It prohibits the congregation of more than 50 people on the premises at one time including guests. Prohibits the use of loud speakers, bull horns, sound systems. Requires that all motor vehicles transporting people to the premises be parked on the premises and not on the street. It prohibits the consumption of alcoholic beverages by members of the club or their guests before or during flight operations. It requires a provision for the disposal of rubbish. A provision for restroom facilities, access to a restroom facility. It requires the owner to have readily accessible at all times, a fire extinguisher. Also accessible a telephone or citizen band radio in case any authorities need to be contacted for any reason. It requires the owner to maintain a daily log including the date, the time which flying commences and the time which the Calverton tower was contacted, the names and addresses of all persons flying model aircraft, the name of the person contacted at the Calverton tower. I'm reading this so certain people can think this over. It requires the owner to maintain the town as an additional insured liability insurance policy of a specified sum. The owner has to provide the town with a membership roster of the Long Island Flying Eagles as of June 1st and provide the town with any changes in the roster. If



## RESOLUTIONS, Continued

### Councilwoman Civiletti, Continued

any of the conditions of this special permit are violated by the owner, his designated agent, a member of the club or any guest, the Town Board may, upon written notice to the owner, immediately suspend this special permit. Upon such notice, all flight operations shall immediately cease and shall not be reinstated until such time as the Town Board consents to reinstatement in writing or court of competent jurisdiction determines that the violation did not occur. The Town Board can also revoke the permit finding that any violations did occur. This permit is approved contingent upon the owner duly executing and delivering to the town a written agreement to the provisions contained herein pertaining to the suspension and revocation of this permit so that we get the owner's consent to essentially take away his right to a hearing and notice. The initial time for the permit is six months. At the expiration of the term, the Town Board in its sole discretion, can renew the permit for a period of one year and it's renewable for a period of one year after that in the discretion of the Board as it deems appropriate. Enforceable by the ordinance inspector and or the Riverhead Town Police Department so that there will be enforcement capability 24 hours a day, 7 days a week because the Police Department (as I far as I know) works 24 hours a day, 7 days a week. I more 366."

Councilman Boschetti, "I don't think a simple yes or no is going to suffice in this particular resolution. So I'm going to give a little explanation just prior to voting. There are two things that impressed me with this. One is the effort expended on the resolution and what I consider to be a valiant and sincere attempt to try to address all the concerns that have been voiced ever since the application hit our desk. The second aspect of this that I see as being positive, extremely positive, is the fact that it has been presented to be and by all accounts, is a family activity which I think we have a very severe shortage of these days. It's something that members of a family can share in. And for that reason, it's worthy of this Town Board to try to set about finding an acceptable area for this activity to take place. However, from the information that I've gone over from the public hearing and the application itself, I remain unconvinced on several points. First; I remain unconvinced that overflight will not occur. Whether it's contained in the resolution or not. The distances that had been quoted at the public hearing, indicate to me that overflight is certainly going to occur. Secondly; I believe simply that this is the wrong location for such an activity. Now, the wrong place does not mean the wrong activity. This is not a slight against model airplane flying. But we are being asked to approve it for this location. That is what the application seeks. And because that's what the application seeks, my feeling is that it is not the proper place to locate this particular type of facility. Included in this second objection that I have as this being the wrong place, it would also be the concerns that other people have called noise and safety concerns. So they are not be overlooked in this neither. Additionally, and the resolution itself, where it says that the comfort and the convenience of the town will not be adversely effected, I believe it will most definitely will be. And therefor, I must vote no on this application."

RESOLUTIONS, Continued

Councilman Pike, "I think this is a fairly straight forward one. This Town Board has in the past, approved the real thing with heavy restrictions. This is an order of magnitude, less intrusive. And if we don't allow this in areas that have a density perhaps as they currently exist now of probably one housing unit per 10/15 acres max. in this area, I think that means that we're not going to allow it in any area in town that has a density higher than that. If we don't allow it here, where do we allow it. Life is a question of alternatives. Similiarly, Denise has done most of the structuring of this and it's a very very tight resolution. It is highly restrictive. It simply gives those people who say they can control themselves, the opportunity to do that which a no vote would not and an opportunity to hang themselves if they don't do what they say they will do. I believe that projects of this sort that have those good purposes, should be given the opportunity to prove the bonofide nature of what they're doing and it's quite simple to say that this is a project that we ought to try. There's a six month period for it and I vote yes."

Councilwoman Civiletti, "I don't agree that it's a completely straight forward. I've been pretty conflicted about this. I've changed by mind a couple of times. One of the main concerns I had was the safety issue and the supervision of the site by somebody in charge. I didn't want to see a situation where anybody can pull up, get out and do what they would with their plane anytime they wanted to. We needed to assure some responsibility. Given those assurances and adding lots of restrictions to the privilege of conducting this club's activities on this site, restrictions which I wonder how the club members will react to. To my knowledge, they haven't heard of these until this evening. This point may be mute. But I am willing to allow a six month permit and to allow these people to prove that they can peacefully coexist. And if they can't and if problems arise and if conditions of this permit are violated, it will not be renewed. So I vote yes."

Councilman Lombardi, "Before I vote on this, I would like to say that I was very surprised that the Flying Eagles and Mr. Gentile never invited the Town Board to come down and listen or to see what was going on. I did bring it up to the Town Board a few times to go down there. We knew that you weren't flying but we could have set something up that you could have given us a demonstration. I went down to the property myself. I've seen where it is. I know where it is. I don't feel that it is the right area for it. I feel that the Town Board, if people of the town, residents, are interested in flying models, then the town should look at something like that for the residents for the Town of Riverhead. I vote no."

Supervisor Janoski, "When I think back over the votes that I have cast here over these number of years, I can't think of any that I've had a more difficult time coming to a decision on. And some of them were quite controversial such as the real airport and I found it very simple to come to a conclusion as to what I thought was correct. Last night on channel 18 on the cable, there was a National Geographic show concerning these airplanes. And I was struck by a couple of things. One; the comment on the part of one of the model flyers that if one of the planes hit you, it would go right through you. And also

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RESOLUTIONS, Continued

Supervisor Janoski, Continued

I was very thankful that they attached a camera to one of the models. And as it flew over the area, you could see that it was a particularly uninhabited area. It was heavily wooded in the perimeter of it. I would really like to give this group a chance to demonstrate that they can be compatible. I don't think that that would ever happen because I think the residents, the neighbors are going to keep their opinion no matter what might transpire in the six months. Very simply put, I am going to vote no."

#377 ADOPTS LOCAL LAW #1-1988 RE: REPEAL OF LOCAL #4-1987 ENTITLED "RACEWAYS, MOTOR VEHICLE".

Councilman Pike, "This is a simple maneuver to clean up the law that was overturned last year prior to the one that we're adopting this year."

#380 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE RE: NOTICE TO BIDDERS-CONSTRUCTION OF ROAD AND DRAINAGE FACILITIES IN THE SUBDIVISION OF SILVER LININGS.

Councilman Boschetti, "In as much as I have a relative who has been involved and continues to be involved in the bidding of this particular project, I have not participated in discussion nor I have voted on these resolutions. Therefore, I will be abstaining on this one."

Councilman Lombardi, "Mr. Janoski, I was wondering why that wasn't put out on individual bids as we discussed. For the excavation and all that."

Supervisor Janoski, "Those who are overseeing including our engineer said that he felt it wouldn't work."

Councilman Lombardi, "Well, I still say it's going to come in high but I'll say okay, yes."

#381 AUTHORIZES TOWN CLERK TO PUBLISH AND POST REQUEST FOR PROPOSALS RE: THE CONSTRUCTION OF SINGLE FAMILY HOMES FOR THE AFFORDABLE HOUSING COMMUNITY DEVELOPMENT PROJECT KNOWN AS SILVER LININGS.

Councilwoman Civiletti, "I have to think about this one. I didn't see this yesterday."

Councilman Pike, "This came out of Community Development. It's an attempt to rebid, respect rather, the entire project."

Councilwoman Civiletti, "In order to bring down the cost of the housing."

Councilman Pike, "Right. I believe the range would be 50 to 63 as in the specs."

RESOLUTIONS, Continued

Councilwoman Civiletti, "Bear with me. Have we seen the specs because I haven't seen them?"

Bill Nohejl, "Then don't vote on it." If you haven't seen it, don't vote on it."

Councilwoman Civiletti, "No, the specs that go along with this. Well, here's a conflict again. This is something that as a member of the housing committee with the Supervisor, we discussed a need for doing. The prices of the houses, the proposals that came in originally, were a little higher than what people could get mortgages to finance. So we discussed going forward and rebidding. However, there is a matter of the one contractor who was in a way, awarded the contract. We passed a resolution back in February authorizing the Supervisor to enter into a contract for this project with one of the contractors. That has not yet been resolved."

Bill Nohejl, "Well, why don't you table it until the next meeting."

Councilwoman Civiletti, "Here we are discussing things in front of everybody...."

Supervisor Janoski, "Hey Bill, if you want the microphone, raise your hand. Okay? Thank you."

Councilwoman Civiletti, "We're being consistently criticized for not discussing things at Town Board meetings."

Bill Nohejl, "Denise Civiletti, if you have no knowledge of what you're voting on, don't vote on it."

Councilwoman Civiletti, "Well, you're overstating what I just said. I didn't see this resolution and I'm trying to explain where I'm coming from. I didn't see this resolution until tonight. It was something that has been the subject of a lot of discussion among the people on the housing committee, Joe and me and the people in Community and Planning. What I'm surprised about right now is that I haven't seen the specs that were going to be revised and drawn up. So I don't know what we're going out for a request for a proposal on. And we also haven't yet resolved the issue of what to do with this other contractor. I'm prepared to vote no except that delays. But if I can't get the answer to this question tonight, I'm willing to vote yes so that this project is not delayed another two weeks. That's all."

Supervisor Janoski, "Is Andrea here?"

Councilwoman Civiletti, "Well, I motion to table it. If we can't answer the question tonight, fine. If necessary, we'll do a special board."

Supervisor Janoski, "The staff, and as Denise points out, the committee has come to certain conclusions that the specs had to be redone. I informed the Board that I wasn't disposed as I said I was inclined to sign the contract that was awarded and we

RESOLUTIONS, ContinuedSupervisor Janoski, Continued

have competent and professional staff who have been working on this for a long period of time who have completed the work to be done and prepared the specs. Quite honestly, I haven't seen the resolution either. But based on all the discussions and the work that has been done, I'd like to believe that the professionals that we have have in fact done an outstanding job in preparing these specs according to the wishes of as outlined by the Board. So it is unfortunate that this transpired but on Thursday we will have a Special Board meeting and I guess we'll approve it then."

Councilwoman Civiletti, "Will we?"

Supervisor Janoski, "I would wager my job on that one."

Councilman Pike, "Really?"

**#384 DENIES CHANGE OF ZONE APPLICATION OF GARY, WAYNE AND GEORGE FALTIN.**

Councilwoman Civiletti, "I'd like to say one thing on this and the other change of zone resolutions. This is the point of time when a yes is a no. But the no is not to be construed on my part as anti-business, anti-development growth. Anybody would recognize and could recognize it. And certainly being in this seat, I recognize it more than I ever dreamed possible, the real need for the expansion of the tax base in Riverhead. It's a question though, of where that's appropriate. And for the various reasons that I have stated at the work session last week, I don't feel that this corridor is the most appropriate area for that kind of development. So I vote yes."

**#385 DENIES CHANGE OF ZONE APPLICATION OF DBM CO. AND HERBERT MANDEL AND RICHARD ISRAEL.**

Councilman Pike, "This is one of the five denials. This has to do with the Bowling Alley. On this one and the prior one, I'd just like to make a comment. Both of these two are existing facilities. One, I would encourage the Board to make sure that we take other legislative efforts to make sure that people who want to invest in the rehabilitation of an existing facility, are encouraged and welcome to do so. This particular applicant has taken up on that charge and is doing so. And I think we should continue to assist him and any other individual who wishes to do that. That applies to the Faltin one and I hope that's conveyed to the individual applicants who are being denied here. I move 385 with that caveat to those owners."

**#386 DENIES CHANGE OF ZONE APPLICATION OF WALTER AND MARILYN GATZ.**

Councilman Boschetti, "I just want to point out something here. As Denise mentioned a moment ago, this is not the first time the question has come up. In fact, the applicants, at least one of

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RESOLUTIONS, Continued

Councilman Boschetti, Continued

the applicant's attorney, Pete Danowski has mentioned it several times and it came up several years ago. A study was done. The town actually had a study done by Raymond, Pine, Parrish and Weiner who were our planning consultants at the time and they recommended that there be low density growth in this area. Business "B" would not accomplish that. I did not believe that it should be Business "B" then and do not believe it should be Business "B" now, so I'm voting yes."

#388 DENIES CHANGE OF ZONE APPLICATION OF 25 EAST REALTY CO.

Councilman Pike, "Comment on this one. This is Kinney. To the owners of Kinney, I disagree with counsel's opinion that they can not expand a pre-existing non-conforming use and they are free to do so. This zoning would accomplish nothing along those lines that they can not accomplish without it and I encourage them to do it. That's what I said to them before and that's what I'm saying to them now."

#391 AUTHORIZES SUPERVISOR TO EXPEND FUNDS TO HIRE THE FIRM OF JAMES FARALDI & ASSOCIATES TO LOBBY FOR SENATE BILL NO. 3208-A (A-4364-A), RIVERHEAD LAND PRESERVATION BILL.

Councilman Pike, "Point of reference. This is the two percent land transfer tax currently pending in the Assembly and the Senate. Just for the Board's adification, I had a conversation with Assemblyman Bianchi. He indicated that there are five paid lobbyists currently walking the aisles of the Senate who oppose this. Everything from a real estate lobby to an architect lobby. And while we encourage Board members to go up and lobby for this, it is important to have a full time presence up there lobbying."

Supervisor Janoski, "And we are joining the five other towns of Suffolk County in this effort."

#394 APPROVES SITE PLAN OF STEVE GARRET (TEPPERS STATIONARY.

Councilman Pike, "I was about to move this and then I realized that we're requiring parking on an existing building."

Supervisor Janoski, "That darn computer. Can we just strike it?"

Councilman Pike, "Can we just wait for Thursday, and get it right?"

Councilman Lombardi, "He's been waiting for a log time. He has been dragged on and dragged on. Let's amend it. Why should the guy wait any longer? He's been waiting a year and a half."

RESOLUTIONS, Continued

Councilman Pike, "Are we going to require the trash receptacles to be provided? He's got to add trash receptacles besides the town one that's outside his place?"

Councilman Boschetti, "I would say so, yes."

Councilman Pike, "I will move 394 in an amended form without 7, 8, and 9. Ten would then become seven. In that form, I will move 394."

Supervisor Janoski, "Without objection, this meeting is adjourned."

Bill Nohejl, "Any person who can work until 91 years old, regardless of man or woman, I believe that there should be a proclamation to this person Edith Patton. I wish a resolution to that effect."

Supervisor Janoski, "She did get one. Again, adjourned."

There being no further business on motion or vote, the meeting adjourned at 10:37 p.m.

IJP:nm



Nadia Moore  
Deputy Town Clerk